

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2, 4-7, 9-12, 14-17, and 19-23 are pending in this application. Claims 1, 2, 4-7, 9-12, 14-17, 19, and 20 are amended, and Claims 21-23 are added by the present amendment.

Amendments to the claims and new claims find support in the specification and claims as originally filed, at least at page 49, last line, to page 50, line 17. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-2, 4-7, 9-12, 14-17, and 19-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sharp et al. (U.S. Patent 6,263,317, hereinafter Sharp), in view of Hafner et al. (U.S. Patent 5,893,076, hereinafter Hafner) and further in view of Foster et al. (U.S. Patent No. 6,493,678, hereinafter Foster). Applicants respectfully traverse that rejection with respect to amended independent Claims 1, 6, 11, and 16.

Amended Claim 1 is directed to a distribution management device that includes, in part, means for generating stock control information to control a stock of merchandise to be distributed to first and second sales channels based on first and second order information and indicating through which of the first sales channel and the second sales channel a purchase request was received. In addition, the distribution management device includes means for grasping an actual sales condition of the merchandise in the first and second sales channels based on the first and second order information and the stock control information indicating through which of the first sales channel and the second sales channel the purchase request was received. Further, the distribution management device includes means for instructing a supplier of the merchandise to supply the merchandise based on the stock control information

indicating through which of the first sales channel and the second sales channel the purchase was received. Independent Claims 6, 11, and 16 include similar features, directed to a distribution management method, a program storage medium for making a distribution management device executed program, and a distribution management system, respectively.

Applicants respectfully submit that Sharp, Hafner, and Foster, whether taken individually or in combination, fail to teach or suggest each of the features in the amended independent claims.

Foster describes a merchandizing system that includes a distribution editor which may be used to assign distribution channels through which products will be sold.<sup>1</sup> Further, Foster indicates that the distribution channel editor “allows the user to hierarchically recognize the brand distribution channels through which the product will be sold.”<sup>2</sup> Foster indicates that the distribution editor may be used as part of a merchandise planning system that performs classification planning which may allow a user to “build line budgets through the use of historical product information,” and plan a budget based on dollars, square foot sales, catalog space, style, item, colors, size, and SKU counts.<sup>3</sup> In other words, the system of Foster is a merchandise planning tool which may be used to categorize and plan product merchandizing. Finally, Foster also indicates that the classification planning system may be used to provide the means to measure against budget, and the classification planning system provides the means to constantly adjust a desired inventory position “through compare and contrast of actual business to date.”<sup>4</sup> Therefore, Foster generally indicates that a classification planning system may be used as a way to measure a merchandizing plan against budget.

However, Foster is silent regarding the specific features of distribution management recited in the independent claims. For example, Foster is silent regarding a means for

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<sup>1</sup> Foster at Abstract.

<sup>2</sup> Foster at column 5, lines 42-44.

<sup>3</sup> Foster at column 12, lines 53-59.

<sup>4</sup> Foster at column 12, lines 62-65.

generating stock control information that indicates through which of first sales channel and the second sales channel a purchase request was received. That is, Foster merely describes a planning tool which forms the basis of a comparison against actual results. However, Foster fails to teach or suggest generating stock control information that actually indicates through which of several channels a purchase request was actually received. In addition, Foster fails to teach or suggest a means for instructing a supplier of merchandise to supply the merchandise based on stock control information that indicates through which of the first sales channel and the second sales channel a purchase request was received. Thus, although Foster indicates that “the classification planning system provides the means to constantly adjust desired inventory position through compare and contrast of actual business to date,”<sup>5</sup> Foster fails to teach or suggest generating stock control information or instructing a supplier of merchandise to supply merchandise **based on stock control information** indicating through which of the first sales channel and the second sales channel the purchase request was received. In addition, Applicants respectfully submit that the combination of Sharp and Hafner also fail to teach or suggest those claimed features.

Accordingly, Applicants respectfully submit that Foster, Sharp, and Hafner, fail to teach or suggest “means for generating stock control information to control a stock of said merchandise ... and indicating through which of the first sales channel and the second sales channel a purchase request was received,” and “means for instructing a supplier of said merchandise to supply the merchandise based on the stock control information indicating through which of the first sales channel and the second sales channel the purchase request was received,” as recited in independent Claim 1.

Further, Applicants respectfully submit that Sharp, Hafner, and Foster fail to teach or suggest “generating stock control information to control a stock of said merchandise... and

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<sup>5</sup> Foster at column 12, lines 62-65.

indicating through which of the first sales channel and the second sales channel a purchase request was received,” and “instructing a supplier of said merchandise to supply the merchandise based on the stock control information indicating through which of the first sales channel and the second sales channel the purchase request was received,” as recited in independent Claim 6.

In addition, Applicants respectfully submit that Foster, Sharp and Hafner fail to teach or suggest “generating stock control information to control a stock of said merchandise ... and indicating through which of the first sales channel and the second sales channel a purchase request was received,” and “instructing a supplier of said merchandise to supply the merchandise based on the stock control information indicated through which of the first sales channel and the second sales channel the purchase request was received,” as recited in independent Claim 11.

Moreover, Applicants respectfully submit that Sharp, Hafner, and Foster fail to teach or suggest “a distribution management device configured to ... generate stock control information to control a stock of said merchandise ... and indicating through which of the first sales channel and the second sales channel a purchase request was received,” and “to instruct a supplier of said merchandise to supply the merchandise based on the stock control information indicating through which of the first sales channel and the second sales channel the purchase request was received,” as recited in independent Claim 16.

Therefore, it is respectfully submitted that independent Claims 1, 6, 11, and 16, and claims depending therefrom, patentably define over Sharp, Hafner, and Foster, whether taken individually or in combination.

New Claim 21 is added to recite that the distribution management system of Claim 1 further includes means for receiving an indication that the merchandise is returned or exchanged at the point-of-sale location, means for generating updated stock control

information based on an indication through which of the first sales channel and the second sales channel a purchase request was received, and the indication that the merchandise is returned or exchanged. In addition, the distribution management system includes means for instructing the supplier to supply the merchandise based on the updated stock control information. Applicants respectfully submit that Sharp, Hafner, and Foster also fail to teach or suggest the features of new Claims 21-24.

Accordingly, Applicants respectfully submit that independent Claims 1, 6, 11, and 16, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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